

### **Response to Notice of Non-Compliant Amendment**

In response to the Notice of Non-Compliant Amendment dated June 23, 2006, Applicants' agent, Anthony J. Canale, upon review of the Notice of Non-Compliant Amendment, became aware that a softcopy of the amendment filed on January 26, 2006 was erroneously electronically submitted using the USPTO EFS system by Mr. Canale on June 8, 2006. Applicants respectfully request that the non-compliant amendment filed on June 8, 2006 be withdrawn and that the present amendment be entered in this application. The present amendment is properly signed in accordance with 37 CFR 1.4.

### **Remarks**

Claims 1-14 are pending in this action and all claims stand rejected. Claims 1 and 13 have been amended and claim 14 has been canceled. Applicants respectfully request reconsideration of all pending claims herein.

### **Claim Rejections - 35 U.S.C. § 112, second paragraph**

The Office Action stated that claims 1 and 13 are rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

Applicants have made appropriate amendments to claims 1 and 13.

Based on the foregoing amendments, Applicants believe that the rejection to Claims 1 and 13 under 35 U.S.C. §112, second paragraph, has been overcome.

### **Claim Rejections - 35 U.S.C. § 103(a)**

The Office Action stated that claims 1-3, 10, 12 and 13 are rejected under 35 U.S.C. § 103(a), as being unpatentable over USP 5,557,607 (Holden) in view of USP 6,205,145 (Yamazaki)

and USP 5,509,008 (Genda).

Applicants have amended claim 1 to include the limitations of claim 14. The Examiner indicated that claim 14 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Claims 2-13 are believed to be in condition for allowance since claims 2-13 are dependent upon claim 1, as amended.

Therefore, Applicants believe that the rejection of Claims 1-3, 10, 12 and 13 under 35 U.S.C. §103(a) has been overcome.

### **Conclusion**

Based on the foregoing, it is respectfully submitted that the pending claims in the subject patent application are in condition for allowance and that the application may be passed to issuance.

The Examiner is urged to call the undersigned at the number listed below if, in the Examiner's opinion, such a phone conference would aid in furthering the prosecution of this application.

Respectfully submitted,  
For: Alain Benayoun, et al.

By: \_\_/Anthony J. Canale/ \_\_

Anthony J. Canale  
Registration No. 51,526  
Telephone No.: (802) 769-8782  
Fax No.: (802) 769-8938  
EMAIL: [acanale@us.ibm.com](mailto:acanale@us.ibm.com)

International Business Machines Corporation  
Intellectual Property Law - Mail 972E  
1000 River Road  
Essex Junction, VT 05452